IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.76 OF 2000

The State of Maharashtra .. Appellant

versus

Sanjay Manohar Chandatre .. Respondents

...

Mr.A.M. Shringarpure, APP for the State.

Mrs.P.U. Badadare for the respondent.

CORAM : V.M. KANADE, J

DATED : 23rd September 2004.

ORAL JUDGEMENT:-

1. The State is challenging the judgement and order passed by the JMFC in RCC No.196 of 1991 dated 22.3.1999. The accused was charged u/s.3(a) of the Railway Property (Unlawful Possession) Act. The accused was found moving in a suspicious manner near the railway property and on inspection, two keys were found in his pocket. On these allegations, complaint was filed against the accused. The trial Court after

perusing the evidence on record has come to the conclusion that Exhibit-26 which is the complaint filed by the complainant discloses possession of two keys and that the actual number of the two way keys was not known to the complainant or was recorded in the complaint. The trial Court has observed that there is apparent contradiction in the evidence between PW no.1 and PW no.3. PW no.1 Ramkripal has stated that 27 numbers of two way keys and certain pedal clips were found with the accused which is not borne out from the record. The trial Court in the circumstances acquitted the accused. The finding of the trial Court is not unreasonable. The prosecution has utterly failed to prove unlawful and illegal possession of the railway property with the accused.

2. Leave is therefore refused. Appeal is dismissed.

V.M. KANADE, J